

CARLIE CHRISTENSEN, United States Attorney (#633)
DANIEL R. STRONG, Special Assistant United States Attorney (#13614)
MARK K. VINCENT, Assistant United States Attorney (#5357)
J. DREW YEATES, Assistant United States Attorney (#9811)
Attorneys for the United States of America
185 South State Street, Suite 300 • Salt Lake City, Utah 84111

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN LAWRENCE DEAN,

Defendant.

Case No. 2:15-cr-00166-DB

MOTION TO CONTINUE JURY TRIAL
AND TO EXCLUDE TIME

Chief Judge Dee Benson

The United States of America, through its counsel, respectfully moves the Court to continue the jury trial currently scheduled for June 8, 2015 and to exclude time under the Speedy Trial Act. *See* DUCrimR 12-1(g). More specifically, the United States seeks to postpone the jury trial at least two weeks. The United States requests this continuance in order to account for the new pretrial motion cutoff date of May 28, 2015 – which is only ten days before the current trial setting – and also to accommodate Special Assistant United States Attorney (SAUSA) Daniel Strong, the lead prosecutor on this case, whose spouse is due to give birth the first week of June. The United States also moves to excluded time between June 8, 2015 and the new trial date. This motion is made in accordance with DUCrimR 12-1(g) and pursuant to 18 U.S.C. § 3161(h). Counsel for the defendant, Ben

Hamilton, has not stipulated to this motion.

Procedural History

1. Stephen Lawrence Dean (“Defendant”) was charged by indictment on March 25, 2015. [Doc. 1.] Defendant had his initial appearance on March 30, 2015. [Doc. 11.] A jury trial was scheduled for June 8, 2015, with any pretrial motions due by April 28, 2015. [Doc. 13.]

2. On April 27, 2015, Defendant filed a Motion for Extension of Time in Which to File Pretrial Motions. [Doc. 20.] Counsel for Defendant, Mr. Hamilton, stated he would need 30 additional days to review discovery before filing any motions in this case.

3. This Court granted Mr. Hamilton’s motion on April 28, 2015, and extended the motion deadline to May 28, 2015.

4. There have been no previous trial continuances in this case.

Basis for the Motion

5. The new motion deadline of May 28, 2015, is only ten days (six business days) before the current trial date of June 8, 2015.

6. In order to prepare for the current trial date of June 8, 2015, the United States would need to subpoena witnesses and make travel arrangements well in advance of the motion deadline.

7. If Defendant files a pretrial motion on May 28, 2015, the final day of the current deadline, the jury trial would need to be rescheduled and the United States would have needlessly expended time and resources arraigning witness travel and preparing for trial.

8. The United States believes there is good reason for this Court’s customary

practice of setting motion cutoff dates approximately 30 days prior to trial, since the filing of a pretrial motion can drastically alter the landscape of the litigation and the trial.

9. Setting the trial date at least a few weeks after the motion deadline gives both sides a chance to focus first on any potential pretrial issues, and then shift focus to trial preparation after the deadline has passed.

10. For personal reasons, the current trial date of June 8th will be nearly impossible to accommodate for SAUSA Strong, lead prosecutor on this case. SAUSA Strong's wife is due to deliver their first child during the first week of June. This will require SAUSA Strong to be at the hospital for a minimum of 48 hours at some point that week.

11. While the actual delivery date is impossible to predict with certainty, a brief continuance of two weeks would ensure SAUSA Strong has time to settle his family affairs before beginning trial on June 22, 2015. This brief continuance would also allow the United States to maintain continuity of counsel.

Based upon the foregoing, and pursuant to 18 U.S.C. § 3161(h)(1)(D) , (7)(A) & (7)(B)(iv), the government moves to continue the trial date no sooner than June 22, 2015, and to exclude the time between the date of this motion and the new trial date.

RESPECTFULLY SUBMITTED May 8, 2015.

CARLIE CHRISTENSEN
United States Attorney



J. DREW YEATES
Assistant United States Attorney